

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.: 04 10232NMG

JAMES KEHOE,
Plaintiff

v.

MI-JACK PRODUCTS, INC.,
FANTUZZI REGGIANE, AND
FANTUZZI USA, INC.,
Defendants

**PARTIES JOINT MOTION TO CONTINUE ALTERNATIVE DISPUTE
RESOLUTION CONFERENCE UNTIL THE PENDING MOTION TO TRANSFER
THE INSTANT ACTION TO SUFFOLK SUPERIOR COURT IS RULED UPON**

Now come the parties and jointly move this Honorable Court to continue the Alternative Dispute Resolution Conference presently scheduled for Tuesday, October 10, 2005 until a ruling is made upon the presently pending unopposed Plaintiff's Motion to Transfer the Instant Action to Suffolk Superior Court to Proceed Against an Additional Party Defendant Within the Jurisdiction of Massachusetts and to Consolidate the Instant Matter with Two Other Companion Cases Which are Identical to the Instant Action and Have Been Filed Concurrently in Suffolk Superior Court.

As grounds therefore plaintiff states that an additional viable defendant has been identified in the instant action. The defendant is Massachusetts Port

Authority. The addition of this defendant destroys diversity of jurisdiction and jurisdiction in the United States District Court for District of Massachusetts in the instant action. Accordingly, the plaintiff has moved to transfer this action to Suffolk Superior Court where he may proceed against all of the defendants presently being sued in the instant action as well as the additional defendant, Massachusetts Port Authority.

Upon the allowance of the instant Motion to Transfer there will be no further requirement of this Honorable Court to take any further action whatsoever, including holding an Alternative Dispute Resolution Conference, with reference to the above-captioned matter.

Respectfully Submitted,

/s/ John P. LeGrand, Esquire

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Respectfully Submitted,

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Dated: September 23, 2005